

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patent Application of:

Hisashi YAMADA et al.

Application No.: 10/046,739

Confirmation No.: 2551

Filed: January 17, 2002

Art Unit: 2893

For: THIN-FILM CRYSTAL WAFER HAVING
PN JUNCTION AND METHOD FOR
FABRICATING THE WAFER

Examiner: N. NGO

REQUEST FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT
UNDER 37 CFR §1.705(d)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Decision on Application for Patent Term Adjustment dated March 10, 2011 and Pursuant to 37 CFR §§ 1.705(b), the Applicants hereby request reconsideration of the patent term adjustment indicated on the Issue Notification for Application No. 10/046,739 (Exhibit 1). Specifically, while the Issue Notification indicates a patent term adjustment of 2276 days, Applicants submit that the patent term adjustment should correctly be 2948 days based on the following explanation.

STATEMENT OF FACTS

1. The Issue Notification, which issued in this case on March 23, 2011, indicated that the Patent Term Adjustment to date was 2276 days.
2. The U. S. Patent and Trademark Office's Patent Term Adjustment History, as indicated in the Patent Application Information Retrieval (PAIR) system indicates a Patent Term Adjustment due to 3924 days of USPTO delays minus 1648 overlapping days (see Exhibit 2).

3. The Patent Term Adjustment History, as indicated in the USPTO's PAIR system, does not accurately calculate the USPTO delays due in connection with the erroneous Restriction Requirement issued on July 23, 2004 (see Exhibit 3). The Restriction Requirement for this application was issued in response to the applicants' granted Petition to Withdraw the Holding of Abandonment. The applicant received an erroneous Notice of Abandonment dated July 28, 2003 (See Exhibit 4), for which a Petition to Withdraw the Holding of Abandonment was submitted on August 20, 2003 and granted on July 22, 2004 (See Exhibits 5 and 6).
4. A Second Submission of the Petition to Withdraw the Holding of Abandonment was submitted on May 4, 2005, after an additional erroneous Notice of Abandonment was received on April 8, 2005 (See Exhibit 7 and 8).
5. A Letter Resubmitting the May 4, 2005 Petition was subsequently filed on June 15, 2005.
6. A formal Status Inquiry was then filed on March 13, 2006 (See Exhibit 9).
7. A second formal Status Inquiry was filed again on May 22, 2009 (See Exhibit 10).
8. Decision on Petition to Withdraw the "second" Holding of Abandonment issued on July 30, 2009. The present Decision of grant did not specifically state "resetting of the period for response." (See Exhibit 11)
9. Applicant received a first non-final Office Action mailed on October 28, 2009 (See Exhibit 12). Ultimately, the restriction requirement was not upheld and therefore did not require a response from the applicant. Therefore, the first office action for this case was not received until receipt of the Non-final Office Action dated October 28, 2009.

Applicant should be entitled to PTA for all of the days from 14 months from filing the present application, namely, March 17, 2003; until the first Office Action issued on October 28, 2009.

Applicant did not cause any delay in the prosecution of the present application.

Accordingly, the correct Patent Term Adjustment should be 2948 days of prosecution delay (i.e., USPTO Delays of 4898 days less 1950 overlapping days, for a

Total Patent Term Adjustment of 2948 days), for the failure of the USPTO to provide an Office Action in the present application.

**COMPLIANCE WITH REQUIREMENTS OF
37 CFR § 1.705(b)(1) AND (2)**

10. A statement of facts is presented above, detailing the relevant dates and the correct patent term adjustment.
11. The present patent is not subject to any Terminal Disclaimer or any expiration date specified in a Terminal Disclaimer (§ 1.705(b)(2)(iii)).
12. There were no circumstances constituting a failure to engage in reasonable efforts to conclude processing or examination of the above-identified application (§ 1.705(iv)(B)).

CONCLUSION

The USPTO is requested to correctly indicate that U.S. Application No. 10/046,739 is entitled to 2948 days of Patent Term Adjustment.


PAYMENT OF FEES

As set forth in the attached Fee Transmittal, the Commissioner is hereby authorized to charge the amount of \$200.00 to Deposit Account No. 02-2448 for the consideration of this Request as required by 37 C.F.R. § 1.18(e).

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to our Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under § 1.17; particularly, extension of time fees.

Dated: April 8, 2011

Respectfully submitted,

By 

Andrew D. Meikle
Registration No.: 32868
BIRCH, STEWART, KOLASCH & BIRCH, LLP
8110 Gatehouse Road, Suite 100 East
P.O. Box 747
Falls Church, VA 22040-0747
703-205-8000

Attachments
Exhibits 1-12



UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NO.	ISSUE DATE	PATENT NO.	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/046,739	04/12/2011	7923752	3885-0102P	2551

2292 7590 03/23/2011
 BIRCH STEWART KOLASCH & BIRCH
 PO BOX 747
 FALLS CHURCH, VA 22040-0747

ISSUE NOTIFICATION

The projected patent number and issue date are specified above.

Determination of Patent Term Adjustment under 35 U.S.C. 154 (b)
 (application filed on or after May 29, 2000)

The Patent Term Adjustment is 2276 day(s). Any patent to issue from the above-identified application will include an indication of the adjustment on the front page.

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) WEB site (<http://pair.uspto.gov>).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571)-272-7702. Questions relating to issue and publication fee payments should be directed to the Application Assistance Unit (AAU) of the Office of Data Management (ODM) at (571)-272-4200.

APPLICANT(s) (Please see PAIR WEB site <http://pair.uspto.gov> for additional applicants):

Hisashi Yamada, Tsukuba-shi, JAPAN;
 Noboru Fukuhara, Tsukuba-shi, JAPAN;
 Masahiko Hata, Tsuchiura-shi, JAPAN;

10/046,739	THIN-FILM CRYSTAL WAFER HAVING PN JUNCTION AND METHOD FOR FABRICATING THE WAFER	04-07-2011::17:01:56
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Patent Term Adjustments

Patent Term Adjustment (PTA) for Application Number: 10/046,739

Filing or 371(c) Date:	01-17-2002	Overlapping Days Between {A and B} or {A and C}:	1648
Issue Date of Patent:	-	Non-Overlapping USPTO Delays:	2276
A Delays:	1648	PTO Manual Adjustments:	0
B Delays:	2276	Applicant Delays:	0
C Delays:	0	Total PTA Adjustments:	2276
Patent Term Adjustment History		Explanation Of Calculations	

Number	Date	Contents Description	PTO (Days)	APPL (Days)	Start
79.5	04-12-2011	PTA 36 Months	2276		0.5
79	04-12-2011	Patent Issue Date Used in PTA Calculation	205		71
78	03-17-2011	Export to Final Data Capture			0
77	03-16-2011	Dispatch to FDC			0
76	03-16-2011	Email Notification			0
75	03-10-2011	Mail-Petition Decision - Dismissed			0
74	03-09-2011	Petition Decision - Dismissed			0
73	05-07-2010	Petition Entered			0
72	05-21-2010	Application Is Considered Ready for Issue			0
71	05-19-2010	Issue Fee Payment Verified			0
70	05-19-2010	Issue Fee Payment Received			0
69	05-05-2010	Finished Initial Data Capture			0
65	03-15-2010	Mail Notice of Allowance			0
64	03-10-2010	Issue Revision Completed			0
63	03-10-2010	Notice of Allowance Data Verification Completed			0
62	03-10-2010	Case Docketed to Examiner in GAU			0
61	03-10-2010	Document Verification			0
60	03-01-2010	Allowability Notice			0

59	02-23-2010	Date Forwarded to Examiner		0
58	01-26-2010	Response after Non-Final Action		0
57	10-28-2009	Electronic Review		0
56	10-28-2009	Email Notification		0
55	10-28-2009	Mail Non-Final Rejection	1443	41
54	10-26-2009	Non-Final Rejection		0
46	10-13-2009	Case Docketed to Examiner in GAU		0
43	01-17-2002	Information Disclosure Statement considered		0
42	10-06-2009	Date Forwarded to Examiner		0
41	07-15-2005	Response to Election / Restriction Filed		0
40	10-08-2009	Mail Notice of Rescinded Abandonment		0
39	10-06-2009	Notice of Rescinded Abandonment in TCs		0
38	10-02-2009	Case Docketed to Examiner in GAU		0
37	05-22-2009	Miscellaneous Incoming Letter		0
36	03-13-2006	Miscellaneous Incoming Letter		0
35	01-25-2005	Miscellaneous Incoming Letter		0
34	08-01-2009	Email Notification		0
33	07-30-2009	Mail-Petition to Revive Application - Granted		0
32	07-29-2009	Petition to Revive Application - Granted		0
31	05-04-2005	Petition Entered		0
30	01-17-2002	Information Disclosure Statement (IDS) Filed		0
29	04-08-2005	Mail Abandonment for Failure to Respond to Office Action		0
28	04-06-2005	Aband. for Failure to Respond to O. A.		0
27	07-23-2004	Mail Notice of Restarted Response Period		0
26	07-23-2004	Letter Restarting Period for Response (i.e. Letter re: References)		0

25	07-23-2004	Mail Notice of Rescinded Abandonment	0
24	07-23-2004	Notice of Rescinded Abandonment in TCs	0
23	07-22-2004	Mail-Petition to Revive Application - Granted	0
22	08-20-2003	Petition Entered	0
21	11-24-2003	Request for Refund	0
20	02-26-2004	File Marked Found	0
19	01-16-2004	File Marked Lost	0
18	07-28-2003	Mail Abandonment for Failure to Respond to Office Action	0
17	07-25-2003	Aband. for Failure to Respond to O. A.	0
16	11-20-2002	Mail Restriction Requirement	0
15	11-18-2002	Restriction/Election Requirement	0
14	08-25-2002	Receipt of all Acknowledgement Letters	0
13	01-17-2002	Request for Foreign Priority (Priority Papers May Be Included)	0
12.7	01-17-2002	Information Disclosure Statement (IDS) Filed	0
12	01-17-2002	Information Disclosure Statement (IDS) Filed	0
11	05-09-2002	Case Docketed to Examiner in GAU	0
10	05-02-2002	Application Dispatched from OIPE	0
9	05-01-2002	Application Is Now Complete	0
7	04-12-2002	Additional Application Filing Fees	0
6	04-12-2002	A statement by one or more inventors satisfying the requirement under 35 USC 115, Oath of the Applicant	0
4	02-14-2002	Referred by L&R for Third-Level Security Review. Agency Referral Letter Generated	0
3	02-07-2002	IFW Scan & PACR Auto Security Review	0
2	01-26-2002	IFW Scan & PACR Auto Security Review	0
1	01-17-2002	Initial Exam Team nn	0
0.5	01-17-	Filing date	0

2002

[Close Window](#)



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/046,739	01/17/2002	Hisashi Yamada	3885-0101P	2551
2292	7590	07/23/2004	EXAMINER	
BIRCH STEWART KOLASCH & BIRCH			TRINH, HOA B	
PO BOX 747			ART UNIT	
FALLS CHURCH, VA 22040-0747			PAPER NUMBER	
			2814	

DATE MAILED: 07/23/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/046,739

Applicant(s)

YAMADA ET AL.

Examiner

Vikki H Trinh

Art Unit

2814

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☐ Claim(s) ____ is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☒ Claim(s) 1-11 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-592)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Election/Restrictions

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims 1-5, drawn to a device, classified in class 257, subclass 565.
- II. Claims 6-11, drawn to a method, classified in class 438, subclass 500+.

The inventions are distinct, each from the other because of the following reasons:

2. Inventions I and II are related as process of making and product made. The inventions are distinct if either or both of the following can be shown: (1) that the process as claimed can be used to make other and materially different product or (2) that the product as claimed can be made by another and materially different process (MPEP § 806.05(f)). In the instant case the method can be used to make by another materially different product such as an LED display device.

3. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

4. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the

application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Vikki Trinh whose telephone number is (703) 308-8238. The Examiner can normally be reached Mon-Tuesday, Thurs-Friday, 7:30 AM - 6:00 PM Eastern Time. If attempts to reach the examiner by telephone are unsuccessful, the Examiner's supervisor, Mr. Wael Fahmy, can be reached at (703) 308-4918. General inquiries relating to the status of this application should be directed to the Group receptionist at (703) 308-0858. The fax number is (703) 308-2708.



Vikki Trinh,
Patent Examiner
AU 2814

November 17, 2002



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/046,739	01/17/2002	Hisashi Yamada	3885-0101P	2551

2292 7590 07/28/2003

BIRCH STEWART KOLASCH & BIRCH
 PO BOX 747
 FALLS CHURCH, VA 22040-0747

EXAMINER

TRINH, HOA B

ART UNIT

PAPER NUMBER

2814

DATE MAILED: 07/28/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Notice of Abandonment

Application No.

10/046,739

Examiner

Vikki H Trinh

Applicant(s)

YAMADA ET AL.

Art Unit

2814

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

This application is abandoned in view of:

1. ☒ Applicant's failure to timely file a proper reply to the Office letter mailed on 20 November 2002.
 - (a) ☐ A reply was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply (including a total extension of time of _____ month(s)) which expired on _____.
 - (b) ☐ A proposed reply was received on _____, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection.
(A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance, (2) a timely filed Notice of Appeal (with appeal fee), or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
 - (c) ☐ A reply was received on _____ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
 - (d) ☒ No reply has been received.
2. ☐ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
 - (a) ☐ The issue fee and publication fee, if applicable, was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
 - (b) ☐ The submitted fee of \$_____ is insufficient. A balance of \$_____ is due.
The issue fee required by 37 CFR 1.18 is \$_____. The publication fee, if required by 37 CFR 1.18(d), is \$_____.
 - (c) ☐ The issue fee and publication fee, if applicable, has not been received.
3. ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
 - (a) ☐ Proposed corrected drawings were received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply.
 - (b) ☐ No corrected drawings have been received.
4. ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
5. ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
6. ☐ The decision by the Board of Patent Appeals and Interference rendered on _____ and because the period for seeking court review of the decision has expired and there are no allowed claims.
7. ☐ The reason(s) below:

Wael Libany
SUSAN E. BERNIERI, ATTORNEY
TECHNOLOGY CENTER LLC

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.

RECEIVED

OCT 11 2003

OFFICE OF THE SPECIAL
PROGRAMS EXAMINERMS PETITION
PATENT
3885-0102P

IN THE U.S. PATENT AND TRADEMARK OFFICE

Applicant: Hisashi YAMADA et al. Conf.: 2551
 Appl. No.: 10/046,739 Group: 2814
 Filed: January 17, 2002 Examiner: H. TRINH
 For: THIN-FILM CRYSTAL WAFER HAVING PN
 JUNCTION AND METHOD FOR FABRICATING THE
 WAFER

RECEIVED

AUG 25 2003

OFFICE OF PETITIONS

PETITION UNDER 37 C.F.R. § 1.181
TO WITHDRAW THE HOLDING OF ABANDONMENT

MS PETITION
 Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

August 20, 2003

Sir:

In response to the Notice of Abandonment dated July 28, 2003, applicant hereby respectfully petitions under the provisions of 37 C.F.R. § 1.181 and MPEP § 711.03(c) for a decision to withdraw the holding of abandonment due to failure to receive an Office Action.

The Notice of Abandonment dated July 28, 2003 indicates that this application was abandoned in view of the applicant's failure to respond to an Office Action mailed on November 20, 2002. However, this Office Action was never received by the offices of the undersigned, and a search of the file jacket for the present application and the firm docketing records reveals that the Office Action of November 20, 2002 was never received. The

08/21/2003 HVUONG1-00000004 022448- 10046739

01_EC:1460 130.00 DR

Adjustment date: 05/13/2004 EEKUBAY1
 08/21/2003 HVUONG1 00000004.022448 10046739
 01_EC:1460 130.00 CR

offices of the undersigned did not become aware of the Office Action until advised of the holding of abandonment.

The fact that the Office Action of November 20, 2002 was never received in the offices of Birch, Stewart, Kolasch & Birch, LLP is evidenced by Exhibits I, II, and III attached hereto.

Exhibit I is a copy of the front page of the file jacket of Appl. No. 10/046,739 (which corresponds to Attorney Docket No. 3885-0102P). It is the policy in our office to record all information regarding Office Actions and responses on the front page of the file jacket. As the Petitions Examiner will note, there is no entry for the Office Action dated November 20, 2002 on the front page of the file jacket of the above-referenced application.

Exhibit II is a copy of the computer-generated daily docket sheet of Birch, Stewart, Kolasch & Birch, LLP for the date of February 20, 2003 (the due date for said Office Action), containing entries made by our Docketing Department of due dates in response to PTO actions. It is the policy of our offices to docket all due dates for Office Actions received from the USPTO into our computer docketing system.

Although Application Numbers, Titles, Client Names, and Inventor Names have been redacted from this Exhibit to avoid public disclosure of these matters once the present application is patented, it is still clear that there is no entry for the due date of February 20, 2003 which

Appl. No. 10/046,739

corresponds to the current application, Attorney Docket No. 3885-0102P.

Exhibit III is a copy of the manual docket book of Birch, Stewart, Kolasch & Birch, LLP for the due date of February 20, 2003. It is the policy of our offices to docket all due dates for Office Actions received from the USPTO into our manual docketing book.

Although Application Numbers and Inventors Names have been redacted from this exhibit to avoid public disclosure of these matters once the present application is patented, there is no entry for the due date for the above-referenced Attorney Docket No. 3885-0102P.

The undersigned certifies that he has reviewed the computer-generated daily docket sheets and the manual docket book for the due date of February 20, 2003 and did not locate an entry that corresponds to Appl. No. 10/046,739 to inventors Hisashi YAMADA et al.

In view of the above-described facts, it is respectfully submitted that the abandonment of the present application was unavoidable and due solely to problems with mailing of an Office Action since the Office Action dated November 20, 2002 was never received in the offices of Birch, Stewart, Kolasch and Birch. The present Petition is timely filed for this purpose.

Since the above-mentioned Office Action was never received in the offices of the undersigned, it is believed that no petition fee is necessary in connection with this Petition. In

Appl. No. 10/046,739

the event that a petition fee is deemed necessary by the USPTO, it is respectfully requested that the fee of \$130.00 as set forth in 37 C.F.R. § 1.17(h)(1) be charged to Deposit Account No. 02-2448.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fee required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By 

Andrew D. Meikle, #32,868

ADM/csm
3885-0102P

P.O. Box 747
Falls Church, VA 22040-0747
(703) 205-8000

Attachment(s)

(Rev. 04/30/03)

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AUG 25 2003

OFFICE OF PETITIONS



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENT
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. Box 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

Paper No. 10

Andrew D. Meikle
BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH, VA 22040-0747

JUL 22 2004

In re Application of :
Yamada, *et al.* :
Application No. 10/046,739 :
Filed: January 17, 2002 :
For: THIN-FILM CRYSTAL WAFER :
HAVING PN JUNCTION AND :
METHOD FOR FABRICATING THE :
WAFER :

DECISION ON PETITION TO
WITHDRAW HOLDING OF
ABANDONMENT

This is a decision on the petition filed on August 20, 2003, to withdraw the holding of abandonment of the above-identified application. A petition fee is not required.

The petition is **granted**.

Petitioner asserts that the Office action of November 20, 2002, was not received. The petition included a statement from the practitioner that the undersigned made a complete search of the file jacket and docketing records to establish non-receipt of the Office action. In addition, the petition included a copy of the docket records of the practitioner where the non-received Office action would have been entered had it been received by the practitioner.

A review of the written record indicates no irregularity in the mailing of the Office action, and in the absence of any irregularity there is a strong presumption that the Office action was properly mailed to practitioner at the address of record. This presumption may be overcome by a showing that the Office action was not in fact received. The showing required to establish the failure to receive an Office action must include a statement from the practitioner stating that the Office action was not received by the practitioner and attesting to the fact that a search of the file jacket and docket records indicates that the Office action was not received. A copy of the docket record where the non-received Office action would have been entered had it been received and docketed must be attached to and referenced in practitioner's statement. See "Withdrawing the Holding of Abandonment When Office Actions Are Not Received" 1156 Official Gazette 53 (November 16, 1993) and M.P.E.P. '711.03(c).

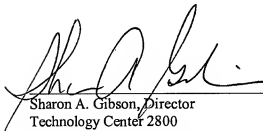
The petition satisfies the above-stated requirements. Accordingly, the application was not abandoned in fact.

For the above stated reason, the petition is granted. The Notice of Abandonment is hereby vacated and the holding of abandonment withdrawn. The application is restored to pending status.

The application file is being forwarded to the Technology Center 2800 support staff for re-mailing of the November 20, 2002, Office action. The statutory periods for response set therein will be reset to run three months from the date the Office action is re-mailed.

The \$130.00 petition fee charged to applicant's account will be credited to applicant's deposit account no. 02-2448.

Inquiries regarding this decision should be directed to Lissi Mojica Marquis at (571) 272-1596.



Sharon A. Gibson, Director
Technology Center 2800
Semiconductors, Electrical and Optical
Systems and Components

DAC

MS PETITION
PATENT
3885-0102P

IN THE U.S. PATENT AND TRADEMARK OFFICE

Applicant: Hisashi YAMADA et al. Conf.: 2551
Appl. No.: 10/046,739 Group: 2814
Filed: January 17, 2002 Examiner: H. TRINH
For: THIN-FILM CRYSTAL WAFER HAVING pn
JUNCTION AND METHOD FOR FABRICATING THE
WAFER

PETITION UNDER 37 C.F.R. § 1.181
TO WITHDRAW THE HOLDING OF ABANDONMENT

MS PETITION

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

May 4, 2005

Sir:

In response to the Notice of Abandonment dated April 4, 2005, applicant hereby respectfully petitions under the provisions of 37 C.F.R. § 1.181 and MPEP § 711.03(c) for a decision to withdraw the holding of abandonment due to failure to receive an Office Action.

The Notice of Abandonment dated April 4, 2005, indicates that this application was abandoned in view of the applicant's failure to respond to an Office Action dated July 23, 2004.

However, this Office Action was never received by the offices of the undersigned, and a search of the file jacket for the present application and the firm docketing records reveals that the Office Action of July 23, 2004 was never received. The offices of the undersigned did not become aware of the Office Action until advised of the holding of abandonment.

1. EVIDENCE

The fact that the Office Action of July 23, 2004 was never received in the offices of Birch, Stewart, Kolasch & Birch, LLP is evidenced by Exhibits I and II attached hereto.

Exhibit I is a copy of the front page of the file jacket of Appl. No. 10/046,739 (which corresponds to Attorney Docket No. 3885-0102P). It is the policy in our office to record all information regarding Office Actions and responses on the front page of the file jacket. As the Petitions Examiner will note, there is no entry for the Office Action dated July 23, 2004 on the front page of the file jacket of the above-referenced application.

Exhibit II is a copy of the computer-generated daily docket sheet(s) of Birch, Stewart, Kolasch & Birch, LLP for the date of August 21, 2004 through August 23, 2004 (the due date for said Office Action), containing entries made by our Docketing Department of due dates in response to PTO actions. It is the policy of our offices to docket all due dates for Office Actions received from the USPTO into our computer docketing system.

Although Application Numbers, and Client Names, have been redacted from this Exhibit to avoid public disclosure of these matters once the present application is patented, it is still clear that there is no entry for the due date of August 23, 2004 which corresponds to the current application, Attorney Docket No. 3885-0102P.

The undersigned certifies that he has reviewed the computer-generated daily docket sheets for the due date of August 23, 2004 and did not locate an entry that corresponds to Appl. No. 10/046,739 to inventors Hisashi YAMADA et al..

2. TERMINAL DISCLAIMER

- ☒ The present application was filed on or after May 29, 2000. Accordingly, no Terminal Disclaimer is necessary. It is noted that the present Petition is being timely filed within two (2) months of the mailing date of the Notice of Abandonment. Accordingly, no reduction in patent term adjustment should be made, in accordance with the provisions of 37 C.F.R. § 1.704(c)(4).
- ☐ The present application was filed on or after June 8, 1995 but before May 29, 2000. The present Petition is being timely filed within two (2) months of the mailing date of the Notice of Abandonment. Accordingly, no Terminal Disclaimer under 37 C.F.R. § 1.321(a) is necessary. See MPEP § 711.03(c).
- ☐ The present application was filed on or after June 8, 1995 but before May 29, 2000. The present Petition is being filed more than two (2) months from the mailing date of the Notice of Abandonment. Accordingly, a Terminal Disclaimer under 37 C.F.R. § 1.321(a) and the required fee set forth in 37 C.F.R. § 1.20(d) are being submitted concurrently herewith. The period being disclaimed is equivalent to the period between (1) the date that is two months after the mail date of the

notice of abandonment and (2) the filing date of the present petition to withdraw the holding of abandonment. See MPEP § 711.03(c).

In view of the above-described facts, it is respectfully submitted that the abandonment of the present application was unavoidable and due solely to problems with mailing of an Office Action since the Office Action dated July 23, 2004 was never received in the offices of Birch, Stewart, Kolasch & Birch, LLP. The present Petition is timely filed for this purpose.

Since the above-mentioned Office Action was never received in the offices of the undersigned, it is believed that no petition fee is necessary in connection with this Petition.

Previous Petition Granted

Also enclosed is a Decision on Petition dated July 22, 2004, which granted a previous Petition to Withdraw Holding of Abandonment filed originally on August 20, 2003. Again, the reason was that the Office Action was not received. It is not understood why this is the case. However, it is noted that the most recent cover sheet for the Notice of Abandonment and Office Action which was faxed on April 4, 2005, includes a "white streak" which appears to remove one of the digits from the zip code of the address. Perhaps this has prevented the document from being delivered to our offices. As a final note, we receive about 40 pieces of mail from the USPTO each day, and we have not had any problems like the present situation in which the failure to receive a piece of mail occurred a second time.

Enclosed Reply to Office Action

Since applicants have now received via facsimile the Office Action, i.e., the Restriction Requirement, a Reply to Restriction Requirement has been prepared and is enclosed herewith.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fee required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By 

Andrew D. Meikle, #32,868

ADM:gmh

P.O. Box 747
Falls Church, VA 22040-0747
(703) 205-8000

Attachments:

Exhibit I - Copy of File Jacket
Exhibit II - Copy of Docket Sheet
Copy of Decision on Petition
Copy of Office Action
Reply to Restriction Requirement

Friday, August 20, 2004

Due Date List by Floor

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Floor 5th

Due Date Indicator	Action Due Action Type	Docket Number/SubCase Country	Status Client	App Number Pat Number	App Date Iss Date	Other Atty's
23-Aug-2004	IDS Reminder	0229-0811 / 1	Pending		23-Jun-2004	ADM
Reminder	Information Processing Speed	United States of America	Nemura & Co.			

Title: RAW TIRE FORMING APPARATUS AND RAW TIRE FORMING METHOD

Slow Pay - See Managing Partner

23-Aug-2004	PERFECT FILING	0229-0815 / 1	Pending		23-Jul-2004	ADM
Reminder	PF	United States of America	Nemura & Co.			ADM

Title: ARCHITECTURAL STRUCTURE

Slow Pay - See Managing Partner

23-Aug-2004	PERFECT FILING	0229-0816 / 1	Pending		23-Jul-2004	ADM
Reminder	PF	United States of America	Nemura & Co.			ADM

Title: METHOD OF SIMULATING VISCOELASTIC MATERIAL

Slow Pay - See Managing Partner

23-Aug-2004	ISSUE FEE-2 DAYS	0760-0309 /	Published		30-May-2002	ADM
Reminder	IF	United States of America	Tanigawa & Associates			ADM

Title: AGENT FOR IMPROVING LEARNING AND/OR MEMORY

Remarks: PUB FEE

23-Aug-2004	RESTRICT REQ	3673-0155 /	Pending		25-Jul-2003	ADM
Due Date	RQ	United States of America	OCA & PARTNERS			ADM

Title: GOLF BALL AND GOLF BALL MANUFACTURING METHOD

23-Aug-2004	IDS - 2 WEEK	3883-0107 /	Published		08-Jul-2003	ADM
Due Date	IDS-2WK	United States of America	M. TAKANO & ASSOCIATES			ADM

Title: EPITAXIAL SUBSTRATE FOR COMPOUND SEMICONDUCTOR LIGHT-EMITTING DEVICE, METHOD FOR PRODUCING THE SAME AND LIGHT-EMITTING DEVICE

Remarks: Fax re: UK Search Report and cited refs rec'd 8-9-04; originals rec'd 8-13-04 (SR mailed 7-5-04)

Action Attorney(Attorney2): DRM DAVID R. MURPHY

23-Aug-2004	ISSUE FEE-2 DAYS	0171-0912 /	Published		19-Nov-2002	GNM
Reminder	IF	United States of America	Kojima Patent Office			DRM

Title: ELECTROSTATIC IMAGE DEVELOPER

Remarks: PUB FEE

Action Attorney(Attorney2): ETP EUGENE T. PEREZ

Friday, August 20, 2004

Due Date: List B, 10/01

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20-Aug-2004

20-Aug-2004

Due Date Indicator	Action Due Action Type	Docket Number/SubCase Country	Status Client	App Number Pat Number	App Date Iss Date	Other Atty's
21-Aug-2004 Final	ISSUE FEE-LAST DAY IF	2870-0182 / United States of America	Published SITS & Co.		29-Mar-2002	MSW ETP

Title: PHOTOTHERMOGRAPHIC MATERIAL

Remarks: PUB FEE

21-Aug-2004 Due Date	NOA	3382-0103 / United States of America	Published ICHIKAWA TOKKYO JIMUSHO		22-Jul-2002	ADM ETP
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Title: SAMPLING FILTER FOR CHLORINATED ORGANIC COMPOUNDS

21-Aug-2004 Due Date	FINAL FINI	3382-0103 / United States of America	Published ICHIKAWA TOKKYO JIMUSHO		22-Jul-2002	ADM ETP
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Title: SAMPLING FILTER FOR CHLORINATED ORGANIC COMPOUNDS

22-Aug-2004 Reminder	IDS Reminder Information Disclosure Summ	0425-0866 / 3 United States of America	Pending FURUYA & CO.		22-Jun-2004	JWB ETP
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Title: POWDER DISPERSANT FOR HYDRAULIC COMPOSITIONS

22-Aug-2004 Reminder	2 WEEK CALL-UP OAU2WK	2185-0664 / United States of America	Published [REDACTED]		25-Sep-2002	RCS ETP
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Title: CATALYST COMPONENT FOR ADDITION POLYMERIZATION, PROCESS FOR PRODUCING CATALYST FOR ADDITION POLYMERIZATION AND PROCESS FOR PRODUCING ADDITION POLYMER

Slow Pay - See Managing Partner

Action Attorney(Attorney2): GMM GERALD M. MURPHY, JR.

21-Aug-2004 Due Date	SEQUENCE REQ SR	0230-0213 / United States of America	Pending YUASA AND HARA		26-Feb-2004	GMM GMM
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Title: METHOD OF MODIFYING GENOME IN HIGHER PLANT

Remarks: NOTICE TO COMPLY WITH REQUIREMENTS MAILED 6/21/04
SEQUENCE LISTING DUE

22-Aug-2004 Final	TRANSLATION TRAN	0020-5119 / United States of America	Abandoned AOYAMA & PARTNERS		27-Feb-2003	GMM GMM
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Title: PHARMACEUTICAL COMPOSITION FOR TREATMENT OF DRUG DEPENDENCE

Remarks: FILE ENGLISH TRANSLATION OF PROVISIONAL

Date: 6-25-04, 7/16

Pages: 40

21-Aug-2004 To 23-Aug-2004

Date	Action	Docet Number/SubCase	Status	App Number	App Date	Other
Indicator	Type	Country	Client	Pat Number	Iss Date	Atty
23-Aug-2004	IDS Reminder Information Disclosure	0171-1118 / 1	Pending	[REDACTED]	22-Jun-2004	GMM
23-Aug-2004	TRANSLATION-6MONTH	2870-0269 /	Pending	[REDACTED]	22-Oct-2003	GMM
Reminder	TRAN	United States of America	SIX & Co.	[REDACTED]		GMM
		Title: PATTERNING PROCESS AND UNDERCOAT-FORMING MATERIAL				
23-Aug-2004	TRANSLATION	0020-5119 /	Abandoned	[REDACTED]	27-Feb-2003	GMM
Final	TRAN	United States of America	AOYAMA & PARTNERS	[REDACTED]		GMM
		Title: PHARMACEUTICAL COMPOSITION FOR TREATMENT OF DRUG DEPENDENCE				
		Remarks: FILE ENGLISH TRANSLATION OF PROVISIONAL				
		dms 6-23-04, 7/16				
23-Aug-2004	IDS	2801-0184 / 2	Pending	[REDACTED]	14-Apr-2004	GMM
Due Date	IDS2	United States of America	[REDACTED]	[REDACTED]		GMM
		Title: PROCESS FOR MANUFACTURING A METERED DOSE INHALER				
		Remarks: per dms 4/14/04, 6/14, per d sheet 6/25/04, 7/2/04, 7/9/04, 8/9/04				
23-Aug-2004	CONVERT PROV-I Month call-up	4951-0101 / 1	Pending	[REDACTED]	23-Sep-2003	GMM
Reminder	File Application	United States of America	[REDACTED]	[REDACTED]		GMM
		Title: PREPARATION METHOD				
23-Aug-2004	Foreign Filing-1Month	4951-0101 / 1	Pending	[REDACTED]	23-Sep-2003	GMM
Reminder	Foreign Filing	United States of America	[REDACTED]	[REDACTED]		GMM
		Title: PREPARATION METHOD				
23-Aug-2004	Foreign Filing-1Month	4951-0102 / 1	Pending	[REDACTED]	23-Sep-2003	GMM
Reminder	Foreign Filing	United States of America	[REDACTED]	[REDACTED]		GMM
		Title: PREPARATION METHOD				
23-Aug-2004	CONVERT PROV-I Month call-up	4951-0102 / 1	Pending	[REDACTED]	23-Sep-2003	GMM
Reminder	File Application	United States of America	[REDACTED]	[REDACTED]		GMM
		Title: PREPARATION METHOD				

Friday, August 20, 2004

Due Date: 11/11/2004

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21-Aug-2004

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23-Aug-2004

Due Date: 11/11/2004

Due Date	Action Due	Docket Number/SubCase	Status	App Number	App Date	Other
Indicator	Action Type	Country	Client	Pat Number	Iss Date	Atty's
23-Aug-2004	Foreign Filing-1 Month	4951-0103 / 1	Pending		23-Sep-2003	GMM
Reminder	Foreign Filing	United States of America				GMM

Title: PREPARATION METHOD

23-Aug-2004	CONVERT PROV-1 Month call-up	4951-0103 / 1	Pending		23-Sep-2003	GMM
Reminder	File Application	United States of America				GMM

Title: PREPARATION METHOD

Action Attorney(Attorney2): JWB JOHN W. BAILEY

21-Aug-2004	FIRST AMEND	0152-0549 /	PENDING		26-Jan-2001	JWB
Due Date	OAFI	United States of America	Asamura Patent Office			JWB

Title: NON-CONTACT IC MODULE

21-Aug-2004	ISSUE FEE-1 MONTH	0649-0815 /	PENDING		21-Dec-2001	RCS
Reminder	IF	United States of America	NGS Corporation			JWB

NOTED

Title: RESIN COMPOSITION

22-Aug-2004	PERFECT FILING	0423-1124 / 1	Pending		07-Apr-2004	JWB
Due Date	PF	United States of America	FURUYA & CO.			JWB

Filed 8/20

Title: LIQUID DETERGENT COMPOSITION

Remarks: NOTICE TO FILE MISSING PARTS MAILED 6/22/04
OATH OR DECLARATION DUE

22-Aug-2004	AMENDMENT XX	1422-0371 /	PENDING		05-Mar-1999	JWB
Due Date	OAI	United States of America	HOSODA INTERNATIONAL PATENT OFFICE			JWB

EXTEND

Title: DETERGENT PARTICLES, PROCESS FOR PREPARING THE SAME, AND DETERGENT COMPOSITION HAVING HIGH BULK DENSITY

23-Aug-2004	IDS Reminder	3349-0106 / 2	Pending		23-Jun-2004	JWB
Reminder	Information Disclosure Statement	United States of America	Kanetsuka & Sakai			JWB

NOTED

Title: COMPOUND HAVING PHENYLACETYLENE STRUCTURE, LIQUID CRYSTAL COMPOSITION, POLYMER, OPTICALLY ANISOTROPIC PRODUCT, OPTICAL OR LIQUID CRYSTAL ELEMENT, DIBENZOTHIOPHENE COMPOUND...

Action Attorney(Attorney2): KJR KEICIA J REYNOLDS

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To: 23-Aug-2004

Date	Action Due	Docket Number/Sub-Case	Status	App Number Pat Number	App Date	Other
Final	Drawings XXX	0020-4923 / United States of America	Published	[REDACTED]	14-Nov-2001	ADM KJR
22-Aug-2004	OADR	Title: GOLF BALL. <i>Remarks:</i> as mailed 2/23/04	AOYAMA & PARTNERS			
Final	AMENDMENT XXX	0020-4923 / United States of America	Published	[REDACTED]	14-Nov-2001	ADM KJR
23-Aug-2004	OAI	Title: GOLF BALL.	AOYAMA & PARTNERS			
Final	Drawings XXX	0020-4923 / United States of America	Published	[REDACTED]	14-Nov-2001	ADM KJR
23-Aug-2004	OADR	Title: GOLF BALL. <i>Remarks:</i> as mailed 2/23/04	AOYAMA & PARTNERS			
Final	AMENDMENT XXX	0020-4923 / United States of America	Published	[REDACTED]	14-Nov-2001	ADM KJR
23-Aug-2004	OAI	Title: GOLF BALL.	AOYAMA & PARTNERS			
Action Attorney(Attorney2):	KLR KRISTIL L. RUPERT					
Due Date	IDS	0020-5172 / United States of America	Pending	[REDACTED]	25-Aug-2003	ADM KLR
23-Aug-2004	IDS1	Title: METHOD FOR IN VITRO CULTURE OF LYMPHOCYTES AND COMPOSITION FOR USE IN IMMUNE THERAPY	AOYAMA & PARTNERS			
Remarks:	Supp EP Search Report and refs rec'd 8-11-04 (SR mailed 7-22-04)					
Reminder	SPECIAL LETTER	0475-0215 / United States of America	Published	[REDACTED]	18-Mar-2003	ADM KLR
21-Aug-2004	SPL	Title: POLYMERIZABLE COMPOSITIONS BASED ON EPOXIDES	Ablie & Partner			
Final	TO BE FILED ACTUAL	0020-4346 / United States of America	PENDING	[REDACTED]	09-Jun-1999	DRN KLR
23-Aug-2004	TBFA	Title: NOVEL SEMAPHORIN GENE: SEMAPHORIN W	AOYAMA & PARTNERS			
Remarks:	FILE DISCONTINUED per fax dated 7-23-04, per dms 8/18/04					
Final	FIRST AMEND XX	0020-4764 / United States of America	PENDING	[REDACTED]	27-Oct-2000	GMM KLR
23-Aug-2004	OAFI	Title: METHOD FOR GIVING RESISTANCE TO WEED CONTROL COMPOUNDS TO PLANTS	AOYAMA & PARTNERS			

Friday, August 20, 2004

FILED DATE LIST BY: R1001

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21-Aug-2004

28-Aug-2004

Due Date	Action Due	Docket Number/SubCase	Status	App Number	App Date	Other
Indicator	Action Type	Country	Client	Pat Number	Iss Date	Alys

23-Aug-2004	IDS	0760-0290 /	PENDING		25-May-2001	KLR
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File

Title: NUCLEIC ACID FRAGMENTS, RECOMBINANT VECTORS CONTAINING THE SAME AND METHOD FOR PROMOTING EXPRESSION OF STRUCTURAL GENES USING THE SAME
Remarks: Supp EP Search Report and refs rec'd 8-2-04 (SR mailed 6-14-04), per d sheet 8/16/04

23-Aug-2004	NOA XX	1422-0493 /	PENDING		26-Sep-2001	MSW
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EXTEND

Title: CERAMIDASE GENE

23-Aug-2004	RESPONSE	1422-0541 /	Pending		03-Jul-2002	MSW
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Noted

Title: METHOD FOR EFFECTING SITE-DIRECTED MUTAGENESIS
Remarks: Interview Summary mailed 7-23-04
STATEMENT OF THE SUBSTANCE OF THE INTERVIEW

23-Aug-2004	NOA XXX	2520-0120 /	PENDING		05-Feb-2001	JWB
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File

Title: PREPARATIONS FOR ADMINISTRATION OF HEPATOCYTE GROWTH FACTOR

23-Aug-2004	FINAL XXX	2520-0120 /	PENDING		05-Feb-2001	JWB
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File

Title: PREPARATIONS FOR ADMINISTRATION OF HEPATOCYTE GROWTH FACTOR

23-Aug-2004	FINAL XX	2962-0120 /	Pending		26-Feb-1997	GAM
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EXTEND

Title: SEQUENCE BASED MUTATION ANALYSIS OF NEOPLASTIC TISSUE FOR DIAGNOSIS OR PROGNOSIS OF THE NEOPLASIA

23-Aug-2004	NOA XX	2962-0120 /	Pending		26-Feb-1997	GAM
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EXTEND

Title: SEQUENCE BASED MUTATION ANALYSIS OF NEOPLASTIC TISSUE FOR DIAGNOSIS OR PROGNOSIS OF THE NEOPLASIA

Action Attorney(Attorney2): KR KALPANA REDDY

Page: 44

23-AUG-2004

Due Date Indicator	Action Due Action Type	Docket Number/SubCase Country	Status Client	App Number Pat Number	App Date Iss Date	Other Atys
21-Aug-2004 Reminder	DRAWINGS-1 MONTH DR3	0365-0502 / United States of America	Published Seppo Laine Oy	[REDACTED]	27-Apr-2001	LRS KR

Title: METHOD AND DEVICE FOR MODIFYING THE IRRADIANCE DISTRIBUTION OF A RADIATION SOURCE

21-Aug-2004	ISSUE FEE-1 MONTH	0365-0502 /	Published	██████████	27-Apr-2001	LRS
Reminder	IF	United States of America	Seppo Laine Oy			KR
<i>Title:</i> METHOD AND DEVICE FOR MODIFYING THE IRRADIANCE DISTRIBUTION OF A RADIATION SOURCE						
<i>Remarks:</i> PUB FEE						
22-Aug-2004	NOA XXX	0365-0538 /	Published	██████████	19-Aug-2002	LRS
Final	NOA	United States of America	Seppo Laine Oy			KR

22-Aug-2004	NOA X	0365-0546 /	Published	[REDACTED]	30-Sep-2002	LRS
Due Date	NOA	United States of America	Seppo Laine Oy			KR
<p>Title: PROCESS FOR PRODUCING A POLYETHYLENE COATING ON A SUBSTRATE</p> <p>Remarks: Advisory Action mailed 8/12/04</p>						

23-Aug-2004	AMENDMENT XX	0147-0215 /	Pending	23-Feb-2001	LRS
Date	OAI	United States of America	VOSSUIS & PARTNER		KR
<i>Title:</i> TRANSGENE PLANTS WITH A MODIFIED ACTIVITY OF A PLASTIDIAL ADP/ATP TRANSLOCATOR					
Slow Pay - See Managing Partner					
23-Aug-2004	NOA XXX	0365-0538 /	Published	19-Aug-2002	LRS
Final	NOA	United States of America	Seppo Laine Oy		KR
<i>Title:</i> PROPYLENE POLYMERS WITH AN ULTRA HIGH MELT FLOW RATE					

23-Aug-2004	TO BE FILED ACTUAL-LAST DAY	0459-0593 /	PENDING	30-Apr-2001	LRS
Final	TBFA	United States of America	PLUOMANN & VINGTOFF, A/S		KR
		Title: BINDER SYSTEMS DERIVED FROM AMORPHOUS SILICA AND BASES			
Slow Pay - See Managing Partner		Remarks: FILE CONTINUATION per e-mail dated 8-19-04			

Action Attorney(Attorney2): LRS LEONARD R. SVENSSON

Elbow's Still


21-Aug-2004

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23-ATB-2004

Due Date Indicator	Action Due Action Type	Docket Number/Sub-Case Country	Status Client	App Number App Date	Pat Number Atty's	Other App Date
23-Aug-2004 Reminder	CONVERT PROV-1 Month call-up File Application	2750-1577 / United States of America	Pending [REDACTED]	[REDACTED]	[REDACTED]	23-Sep-2003 LRS SWG

Slow Pay - See Managing Partner

23-Aug-2004	Foreign Filing-Month	2750-1577 /	Pending	23-Sep-2003	LRS
Reminder	Foreign Filing	United States of America			SWG

Slow Pay - See Managing Partner

23-Aug-2004	Foreign Filing-Month	2750-1578 /	Pending	23-Sep-2003	LRS
Reminder	Foreign Filing	United States of America	██████████		SWG

Slow Pay - See Managing Partner

23-Aug-2004	CONVERT PROV-I Month call-up	2750-1578 /	Pending	[REDACTED]	23-Sep-2003	LAS
Reminder	File Application	United States of America	[REDACTED]	[REDACTED]		SWG

Slow Pay - See Managing Partner

Action Attorney(Attorney2):	MIA MARYANNE ARMSTRONG	
11-Avr-2004	Information Disclosure Sumit	2428-01201.2
	Pending	
		21-May-2004 GMD

22-Aug-2004	CALL UP	0234-0441 /	Published	04-Feb-2002	MSW
					MVA

12/2/2004	IMS Reminder	3749-0103 / 1	Pending	22-Jun-2004	MAA
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Due Date: 23-Aug-2004

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21-Aug-2004

To

23-Aug-2004

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Due Date Indicator	Action Due Action Type	Docket Number/Subcase	Status Client	App Number Pat Number	App Date Iss Date	Other Atty's
23-Aug-2004	CONVERT PROV-1 Month call-up	2959-0106 /	Pending	[REDACTED]	23-Sep-2003	CG
Reminder	File Application	United States of America	[REDACTED]	[REDACTED]		MAA

Title: TANDEM POLYMERIC NUCLEIC ACID HYBRIDIZATION PROBES

23-Aug-2004	Foreign Filing 1-Month	2959-0106 /	Pending	[REDACTED]	23-Sep-2003	CG
Reminder	Foreign Filing	United States of America	[REDACTED]	[REDACTED]		MAA

Title: TANDEM POLYMERIC NUCLEIC ACID HYBRIDIZATION PROBES

23-Aug-2004	NOA XX	3672-0111 /	Pending	[REDACTED]	08-Jun-2001	MAA
Due Date	NOA	United States of America	[REDACTED]	[REDACTED]		MAA

Title: A MEANS FOR ELECTRICAL CONTACTING OR ISOLATION OF ORGANIC OR INORGANIC SEMICONDUCTORS AND A METHOD FOR ITS...

Remarks: Advisory Action mailed 7/2/04

23-Aug-2004	RENEWED PETITION	4565-0106 /	Pending	[REDACTED]	03-Oct-2003	CG
Reminder		United States of America	[REDACTED]	[REDACTED]		MAA

Title: IMAMINOTHERAPEUTIC COMBINATIONS FOR THE TREATMENT OF TUMOURS THAT OVER-EXPRESS GANGLIOSIDES

Remarks: Decision on Petition mailed 7-23-04 (dismissed)

Slow Pay - See Managing Partner

EOT available under 37 CFR 1.136(e)

Action Attorney(Attorney2): RCS RAYMOND C. STEWART

23-Aug-2004	PERFECT FILING	0446-0166 /	Pending	[REDACTED]	22-Jul-2004	RCS
Reminder		United States of America	Davies Collision Cave	[REDACTED]		RCS

Title: DESULFURISATION OF FUEL

23-Aug-2004	PERFECT FILING	0446-0167 /	Pending	[REDACTED]	23-Jul-2004	RCS
Reminder		United States of America	Davies Collision Cave	[REDACTED]		RCS

Title: A METHOD OF PRODUCING AN ANTICOAGULATION EFFECT

Action Attorney(Attorney2): RG	RICHARD J. GALLAGHER	Published	[REDACTED]	09-Oct-2002	GM
21-Aug-2004	NOA X	0171-0902 /	[REDACTED]		
Due Date	NOA	United States of America	Kojima Patent Office		RG

Title: PHOTO-CURABLE RESIN COMPOSITION, PATTERNING PROCESS, AND SUBSTRATE PROTECTING FILM

Remarks: Advisory Action mailed 8/1/04

Friday, August 26, 2005

Due Date: 15th July 2005

Page 49

Form 501

21-Aug-2004

To

29-Aug-2004

Due Date Indicator	Action Due Action Type	Docket Number/SubCase	Status	App Number Pat Number	App Date	Other Aty
21-Aug-2004	TO BE FILED	0171-0902 /	Published		09-Oct-2002	GMM
Due Date	TBF	United States of America	Kojima Patent Office			RG
Title: PHOTO-CURABLE RESIN COMPOSITION, PATTERNING PROCESS, AND SUBSTRATE PROTECTING FILM						
Remarks: FILE RCE per fax dated 8-19-04						
21-Aug-2004	TRANSLATION-3MONTH	0233-0176 /	CONVERTED		21-Jul-2003	RCS
Reminder	tran	United States of America	Takumit & Associates			RG
Title: TREATMENT OF PARKINSON'S DISEASE AND ENHANCEMENT OF DOPAMINE SIGNAL USING PDE10 INHIBITOR						
21-Aug-2004	AMENDMENT X	0423-0763 /	Pending		14-Jun-2000	RCS
Due Date	OAI	United States of America	FURUYA & CO.			RG
Title: INFLATOR PROCESSING APPARATUS AND METHOD OF JUDGING CHARGE OF INFLATOR						
21-Aug-2004	ISSUE FEE-1 MONTH	0425-0842 /	Pending		13-Jun-2001	TCB
Reminder	IF	United States of America	- FURUYA & CO.			RG
Title: HYBRID INFLATOR						
23-Aug-2004	ISSUE FEE-2 DAYS	0171-0843 /	Published		25-Apr-2002	GMM
Reminder	IF	United States of America	Kojima Patent Office			RG
Title: YOKE COMPONENT OF VOICE COIL MOTOR FOR HARD DISK DRIVE, METHOD OF DEBURRING YOKE COMPONENT, AND VOICE COIL MOTOR USING YOKE COMPONENT						
Remarks: PUB FEE						
23-Aug-2004	ISSUE FEE-1 MONTH	0249-0123 /	Pending		21-Aug-2002	RCS
Reminder	IF	United States of America				RG
Title: METHOD AND APPARATUS FOR PREPARING PAPER PULP FROM USED PAPER						
Remarks: DIV1						
23-Aug-2004	TO BE FILED	0425-0911 /	Published		06-May-2002	RCS
Due Date	TBE	United States of America	FURUYA & CO.			RG
Title: GAS GENERATOR FOR AIR BAG AND AIR BAG APPARATUS						
Remarks: FILE DIVISIONAL per fax dated 7-21-04						

10/20/04
8/20/04

Page 48

9-2004

Due Date Indicator	Action Due Action Type	Docket Number/Sub-Case Country	Status Client	App Number Pat Number	App Date Iss Date	Other Atty's
23-Aug-2004 Reminder	ISSUE FEE-1 MONTH IF	0425-0911 / United States of America	Published FURUYA & CO. <i>Title:</i> GAS GENERATOR FOR AIR BAG AND AIR BAG APPARATUS DIV7	[REDACTED]	06-May-2002	RCS RG
23-Aug-2004 Reminder	Foreign Filing-1 Month Foreign Filing	3273-0179 / United States of America	Pending Goto & Co., Patent Attorney <i>Title:</i> NOVEL ACID HALIDE DERIVATIVES, THEIR PRODUCTION, AND PRODUCTION OF INDANONECARBOXYLIC ACID ESTERS USING THE SAME	[REDACTED]	23-Sep-2003	RCS RG
23-Aug-2004 Reminder	CONVERT PROV-1 Month call-up File Application	3273-0179 / United States of America	Pending Goto & Co., Patent Attorney <i>Title:</i> NOVEL ACID HALIDE DERIVATIVES, THEIR PRODUCTION, AND PRODUCTION OF INDANONECARBOXYLIC ACID ESTERS USING THE SAME	[REDACTED]	23-Sep-2003	RCS RG
21-Aug-2004 Reminder	SPECIAL LETTER SPL1	1718-0207 / United States of America	Published [REDACTED] <i>Title:</i> NON-NUCLEOSIDE REVERSE TRANSCRIPTASE INHIBITORS	[REDACTED]	28-Feb-2003	LRS SWG



UNITED STATES PATENT AND TRADEMARK OFFICE

3885-102P

COMMISSIONER FOR PATENT
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. Box 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov



Paper No. 1

Andrew D. Meikle
BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH, VA 22040-0747

JUL 22 2004

In re Application of: :
Yamada, *et al.* :
Application No. 10/046,739 :
Filed: January 17, 2002 :
For: THIN-FILM CRYSTAL WAFER :
HAVING PN JUNCTION AND :
METHOD FOR FABRICATING THE :
WAFER :

DECISION ON PETITION TO
WITHDRAW HOLDING OF
ABANDONMENT

REVIEWED BY
DECKLING

mm 7-26-04

This is a decision on the petition filed on August 20, 2003, to withdraw the holding of abandonment of the above-identified application. A petition fee is not required.

The petition is **granted**.

Petitioner asserts that the Office action of November 20, 2002, was not received. The petition included a statement from the practitioner that the undersigned made a complete search of the file jacket and docketing records to establish non-receipt of the Office action. In addition, the petition included a copy of the docket records of the practitioner where the non-received Office action would have been entered had it been received by the practitioner.

A review of the written record indicates no irregularity in the mailing of the Office action, and in the absence of any irregularity there is a strong presumption that the Office action was properly mailed to practitioner at the address of record. This presumption may be overcome by a showing that the Office action was not in fact received. The showing required to establish the failure to receive an Office action must include a statement from the practitioner stating that the Office action was not received by the practitioner and attesting to the fact that a search of the file jacket and docket records indicates that the Office action was not received. A copy of the docket record where the non-received Office action would have been entered had it been received and docketed must be attached to and referenced in practitioner's statement. See "Withdrawing the Holding of Abandonment When Office Actions Are Not Received" 1156 Official Gazette 53 (November 16, 1993) and M.P.E.P. '11.03(c).

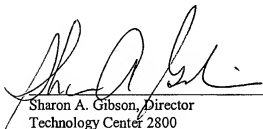
The petition satisfies the above-stated requirements. Accordingly, the application was not abandoned in fact.

For the above stated reason, the petition is granted. The Notice of Abandonment is hereby vacated and the holding of abandonment withdrawn. The application is restored to pending status.

The application file is being forwarded to the Technology Center 2800 support staff for re-mailing of the November 20, 2002, Office action. The statutory periods for response set therein will be reset to run three months from the date the Office action is re-mailed.

The \$130.00 petition fee charged to applicant's account will be credited to applicant's deposit account no. 02-2448.

Inquiries regarding this decision should be directed to Lissi Mojica Marquis at (571) 272-1596.



Sharon A. Gibson, Director
Technology Center 2800
Semiconductors, Electrical and Optical
Systems and Components



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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Fax Cover Sheet

Date: 04 Apr 2005

To: Mr. Andrew Melke	From: Vikki H. Trinh
Application/Control Number: 00/048,739	Art Unit: 2814
Fax No.: 703-205-8050	Phone No.: 571-272-1719
Voice No.: (703) 205-8000	Return Fax No.: (571) 273-1719
Re:	CC:
<input type="checkbox"/> Urgent <input type="checkbox"/> For Review <input type="checkbox"/> For Comment <input type="checkbox"/> For Reply <input checked="" type="checkbox"/> Per Your Request	

Comments:

Enclosed is a copy of a new Notice of Abandonment, which will be sent to you, and a copy of the Office Action sent on July 23, 2004.

Number of pages including this page

STATEMENT OF CONFIDENTIALITY

This facsimile transmission is a Official U.S. Government document which may contain information which is privileged and confidential. It is intended only for use of the recipient named above. If you are not the intended recipient, any dissemination, distribution or copying of this document is strictly prohibited. If this document is received in error, you are requested to immediately notify the sender at the above indicated telephone number and return the entire document in an envelope addressed to:

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UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
COMMISSIONER FOR PATENTS
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Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10046739	01/17/2002	Hisashi Yamada	3885-0101P	2551

2292 7390 7/23/2004

BIRCH STEWART KOI ASCH & BIRCH
PO BOX 747
FALLS CHURCH, VA 22040-0747

EXAMINER

TRINH, HOA B

ART UNIT

PAPER NUMBER

2614

DATE MAILED: 07/23/2004

Please find below and/or attached an Office communication concerning this application or proceeding.



Office Action Summary

Application No.

10/046,739

Applicant(s)

YAMADA ET AL.

Examiner

Vikki H Trinh

Art Unit

2814

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
 Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are ending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☐ Claim(s) ____ is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☒ Claim(s) 1-11 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
 If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____

Application/Control Number: 10/046,739
Art Unit: 2814

Page 2

DETAILED ACTION*Election/Restrictions*

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
 - I. Claims 1-5, drawn to a device, classified in class 257, subclass 565.
 - II. Claims 6-11, drawn to a method, classified in class 438, subclass 500+.

The inventions are distinct, each from the other because of the following reasons:

2. Inventions I and II are related as process of making and product made. The inventions are distinct if either or both of the following can be shown: (1) that the process as claimed can be used to make other and materially different product or (2) that the product as claimed can be made by another and materially different process (MPEP § 806.05(f)). In the instant case the method can be used to make by another materially different product such as an LED display device.
3. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

4. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the

Application/Control Number: 10/046,739
Art Unit: 2814

Page 3

application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Vikki Trinh whose telephone number is (703) 308-8238. The Examiner can normally be reached Mon-Tuesday, Thurs-Friday, 7:30 AM - 6:00 PM Eastern Time. If attempts to reach the examiner by telephone are unsuccessful, the Examiner's supervisor, Mr. Wael Zahmy, can be reached at (703) 308-4918. General inquiries relating to the status of this application should be directed to the Group receptionist at (703) 308-0858. The fax number is (703) 308-708.


Vikki Trinh,
Patent Examiner
AU 2814

November 17, 2002



Notice of Abandonment

Application No.

10/046,739

Examiner

Vikki H. Trinh

Applicant(s)

YAMADA ET AL.

Art Unit

2814

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

This application is abandoned in view of:

1. ☒ Applicant's failure to timely file a proper reply to the Office letter mailed on 23 July 2004.
 - (a) ☐ A reply was received on _____ with a Certificate of Mailing or Transmission dated _____, which is after the expiration of the period for reply (including a total extension of time of _____ month(s)) which expired on _____.
 - (b) ☐ A proposed reply was received on _____, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection.

(A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
 - (c) ☐ A reply was received on _____ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.113(a) and 1.111. (See explanation in box 7 below).
 - (d) ☒ No reply has been received.
2. ☐ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
 - (a) ☐ The issue fee and publication fee, if applicable, was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
 - (b) ☐ The submitted fee of \$ _____ is insufficient. A balance of \$ _____ is due.

The issue fee required by 37 CFR 1.18 is \$ _____. The publication fee, if required by 37 CFR 1.18(d), is \$ _____.
 - (c) ☐ The issue fee and publication fee, if applicable, has not been received.
3. ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
 - (a) ☐ Proposed corrected drawings were received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply.
 - (b) ☐ No corrected drawings have been received.
4. ☐ The letter of express abandonment it which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
5. ☐ The letter of express abandonment it which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
6. ☐ The decision by the Board of Patent Appeals and Interference rendered on _____ and because the period for seeking court review of the decision has expired and there are no allowed claims.
7. ☒ The reason(s) below:

There was no reply to the Office Action sent on July 23, 2004. A status of inquiry from the attorney of record was received in the file after six months from the date of the Office Action.

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.



PATENT
3885-0102P

IN THE U.S. PATENT AND TRADEMARK OFFICE

Applicant: Hisashi YAMADA et al. Conf.: 2551
Appl. No.: 10/046,739 Group: 2814
Filed: January 17, 2002 Examiner: H. TRINH
For: THIN-FILM CRYSTAL WAFER HAVING pn JUNCTION AND
METHOD FOR FABRICATING THE WAFER

LARGE ENTITY TRANSMITTAL FORM

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

May 4, 2005

Sir:

Transmitted herewith is a Reply to Restriction/Election Requirement in the above-identified application.

- ☐ The enclosed document is being transmitted via the Certificate of Mailing provisions of 37 C.F.R. § 1.8.
- ☐ Petition for _____ () month(s) extension of time pursuant to 37 C.F.R. §§ 1.17 and 1.136(a). \$0.00 for the extension of time.
- ☒ No fee is required.
- ☐ A check in the amount of \$0.00 is enclosed.
- ☐ Please charge Deposit Account No. 02-2448 in the amount of \$0.00. A triplicate copy of this sheet is attached.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional

fees required under 37 C.F.R. §§1.16 or 1.17; particularly,
extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By 
Andrew D. Meikle, #32,868

ADM:gmh
3885-0102P

P.O. Box 747
Falls Church, VA 22040-0747
(703) 205-8000

Attachment(s)



PATENT
3885-0102P

IN THE U.S. PATENT AND TRADEMARK OFFICE

Applicant: Hisashi YAMADA et al. Conf.: 2551
Appl. No.: 10/046,739 Group: 2814
Filed: January 17, 2002 Examiner: H. TRINH
For: THIN-FILM CRYSTAL WAFER HAVING pn JUNCTION AND
METHOD FOR FABRICATING THE WAFER

REPLY TO RESTRICTION REQUIREMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

May 4, 2005

Sir:

In reply to the Restriction Requirement received April 4, 2005, via facsimile, the following remarks are respectfully submitted in connection with the above-identified application.

This reply includes: Remarks.

REMARKS

Claims 1-11 are pending in the above-identified application.

The claims of the present application have been subjected to a Restriction Requirement under 35 U.S.C. 121 as follows:

Group I - claims 1-5 directed to a device; and

Group II - claims 6-11, directed to a method for making the device of the claims of Group I.

Election

Applicants hereby elect the claims of Group I, i.e. claims 1-5. This election is made with a traversal.

Reasons for Traversal of Restriction Requirement

It is respectfully submitted that the search and examination for the presently elected Group I (claims 1-5) substantially overlaps with that of the non-elected Group II subject matter directed to a method for forming the device of elected Group I. For example, the method steps recited in claim 6 require the formation of a base layer, a thin film layer and an emitter layer which have the same composition and properties as recited for the corresponding layers in elected claim 1. The reason indicated for the restriction requirement that the method recited in the claims of Group II may be used to form a "materially different product" is

not understood in that it appears the same product having the same properties is indeed formed by the method of non-elected group II claims. Consequently, it is submitted that there is no significant burden placed on the Examiner to examine all of the subject matter of all of the claims pending in the present application such that the Restriction Requirement should be withdrawn.

Conclusion

If any questions arise regarding the above matters, please contact Applicant's representative, Andrew D. Meikle (Reg. No. 32,868), in the Washington Metropolitan Area at the phone number listed below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By 

Andrew D. Meikle, #32,868

ADM:gmh

P.O. Box 747
Falls Church, VA 22040-0747
(703) 205-8000



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/046,739	01/17/2002	Hisashi Yamada	3885-0101P	2551

2292 7590 04/08/2005

BIRCH STEWART KOLASCH & BIRCH
 PO BOX 747
 FALLS CHURCH, VA 22040-0747

EXAMINER

TRINH, HOA B

ART UNIT PAPER NUMBER

2814

DATE MAILED: 04/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Notice of Abandonment

Application No.

10/046,739

Examiner

Vikki H. Trinh

Applicant(s)

YAMADA ET AL.

Art Unit

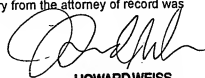
2814

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

This application is abandoned in view of:

1. ☒ Applicant's failure to timely file a proper reply to the Office letter mailed on 23 July 2004.
 - (a) ☐ A reply was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply (including a total extension of time of _____ month(s)) which expired on _____.
 - (b) ☐ A proposed reply was received on _____, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection. (A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
 - (c) ☐ A reply was received on _____ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
 - (d) ☒ No reply has been received.
2. ☐ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
 - (a) ☐ The issue fee and publication fee, if applicable, was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
 - (b) ☐ The submitted fee of \$_____ is insufficient. A balance of \$_____ is due.
The issue fee required by 37 CFR 1.18 is \$_____. The publication fee, if required by 37 CFR 1.18(d), is \$_____.
 - (c) ☐ The issue fee and publication fee, if applicable, has not been received.
3. ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
 - (a) ☐ Proposed corrected drawings were received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply.
 - (b) ☐ No corrected drawings have been received.
4. ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
5. ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
6. ☐ The decision by the Board of Patent Appeals and Interference rendered on _____ and because the period for seeking court review of the decision has expired and there are no allowed claims.
7. ☒ The reason(s) below:

There was no reply to the Office Action sent on July 23, 2004. A status of inquiry from the attorney of record was received in the file after six months from the date of the Office Action.



**HOWARD WEISS
PRIMARY EXAMINER**

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.

TFee



MS PETITION
Docket No.: 3885-0102P
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Hisashi YAMADA et al.

Application No.: 10/046,739

Confirmation No.: 2551

Filed: January 17, 2002

Art Unit: 2814

For: THIN-FILM CRYSTAL WAFER HAVING PN
JUNCTION AND METHOD FOR FABRICATING
THE WAFER

Examiner: H. B. Trinh

STATUS INQUIRY

MS Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

It is respectfully requested that the attorney named below be advised of the status of the above-identified application. Please advise us of when we might expect to receive a Response for the Petition to Withdraw Abandonment filed on July 15, 2005 in the Patent and Trademark Office.

Dated: March 13, 2006

Respectfully submitted,

By


Andrew D. Mielke

Registration No.: 32,868

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Suite 100 East

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Falls Church, Virginia 22040-0747

(703) 205-8000

Attorney for Applicant

MS PETITION
Docket No.: 3885-0102P
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Hisashi YAMADA et al.

Application No.: 10/046,739

Confirmation No.: 2551

Filed: January 17, 2002

Art Unit: 2814

For: THIN-FILM CRYSTAL WAFER HAVING PN
JUNCTION AND METHOD FOR FABRICATING
THE WAFER

Examiner: H. B. Trinh

SECOND STATUS INQUIRY

MS Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

It is respectfully requested that the attorney named below be advised of the status of the above-identified application. Please advise us of when we might expect to receive a Response for the Petition to Withdraw Abandonment filed on July 15, 2005 in the Patent and Trademark Office.

Dated: May 22, 2009

Respectfully submitted,

By 

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Attorney for Applicant



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
 United States Patent and Trademark Office
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JUL 3 0 2009

OFFICE OF PETITIONS

In re Application of	:	
Hisashi Yamada, et al.	:	
Application No. 10/046,739	:	DECISION ON PETITION
Filed: January 17, 2002	:	
Attorney Docket No. 3885-0102P	:	

This is a decision on the petition, filed May 4, 2005, under 37 CFR 1.181 (no fee) requesting withdrawal of the holding of abandonment in the above-identified application. The delay in responding is regretted; however, the petition was recently referred to the Office of Petitions for consideration.

The petition is **GRANTED**.

This application was held abandoned for failure to reply in a timely manner to the Restriction Requirement, mailed July 23, 2004. A Notice of Abandonment was mailed April 8, 2005. In response, on May 4, 2005, the present petition was filed.

Petitioner asserts that the Office action dated July 23, 2004 was not received.

A review of the application file reveals no irregularities in the mailing of the Office action of July 23, 2004. Thus, there is a strong presumption that the correspondence was properly mailed to the applicant at the correspondence address of record. In the absence of demonstrated irregularities in mailing of this Office action, petitioner must submit evidence to overcome this presumption. The following showing is required:

Practitioner must state that the Office action was not received at the correspondence address of record, and that a search of the practitioner's record(s), including any file jacket or the equivalent, and the application contents, indicates that the Office action was not received. A copy of the record(s) used by the practitioner where the non-received Office action would have been entered had it been received is required.

A copy of the practitioner's record(s) required to show non-receipt of the Office action should include the master docket for the firm. That is, if an one month

A copy of the practitioner's record(s) required to show non-receipt of the Office action should include the master docket for the firm. That is, if an one month period for reply was set in the nonreceived Office action, a copy of the master docket report showing all replies docketed for a date one month from the mail date of the nonreceived Office action must be submitted as documentary proof of nonreceipt of the Office action. If no such master docket exists, the practitioner should so state and provide other evidence such as, but not limited to, the following: the application file jacket; incoming mail log; calendar; reminder system; or the individual docket record for the application in question.

Petitioner has adequately supported his claim of non-receipt with the evidence provided.

In view of the above, the Notice of Abandonment is hereby vacated and the holding of abandonment withdrawn.

This application is being referred to Technology Center AU 2814 for appropriate action in the normal course of business on the reply received May 4, 2005.

Telephone inquiries concerning this decision may be directed to the undersigned at (571) 272-3204. All other inquiries regarding this application should be directed to the Technology Center.



Sherry D. Brinkley
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
 Address: COMMISSIONER FOR PATENTS
 P.O. Box 1450
 Alexandria, Virginia 22313-1450
 www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/046,739	01/17/2002	Hisashi Yamada	3885-0102P	2551
2292 7590 10/28/2009 BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747			EXAMINER NGO, NOAN V	
			ART UNIT	PAPER NUMBER
			2893	
			NOTIFICATION DATE	DELIVERY MODE
			10/28/2009	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mailroom@bskb.com

Office Action Summary	Application No. 10/046,739	Applicant(s) YAMADA ET AL.	
	Examiner Ngan Ngo	Art Unit 2893	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(p). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(p).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
 4a) Of the above claim(s) 6-11 is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>20020117</u> . | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
5) <input type="checkbox"/> Notice of Informal Patent Application
6) <input type="checkbox"/> Other: _____. |
|--|---|

The election filed July 15, 2005 has been entered and made of record as paper no. 20050715.

Applicant's election with traverse of claim 1-5 in the reply filed on July 15, 2005 is acknowledged. The traversal is on the ground(s) that "the search and examination for the presently elected Group I (claims 1-5) substantially overlaps with that of the non-elected Group II subject matter directed to a method for forming the device of elected Group I ". This is not found persuasive because the search might overlap but not coextensive. The search of group I does not require to search "a heterojunction bipolar transistor" as recited in Group II.

The requirement is still deemed proper and is therefore made FINAL.

The specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

Claims 1-5 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1, "the first and second crystal layer...forms a heterojunction" is not understood. If the "thin film layer" is formed between (at an interface of the heterojunction) the first and second crystal layer, then there is no "heterojunction" between the first and the second crystal layers; the first and the second crystal layers are separated from each other by the "thin film layer".

Any inquiry concerning this communication should be directed to Examiner Ngan Ngo at telephone number (571) 272-1711. The fax phone number for the organization where this application or proceeding is assigned is (571)-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Ngan Ngo/

Primary Examiner, Art Unit 2893

Ngan Ngo
October 26, 2009

Notice of References Cited	Application/Control No. 10/046,739	Applicant(s)/Patent Under Reexamination YAMADA ET AL.	
	Examiner Ngan Ngo	Art Unit 2893	Page 1 of 1

U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
*	A	US-5,351,256 A	09-1994	Schneider et al.	372/45.011
*	B	US-5,766,981 A	06-1998	Thornton et al.	438/36
*	C	US-5,811,844 A	09-1998	Kuo et al.	257/194
*	D	US-5,844,261 A	12-1998	Kuo et al.	257/194
*	E	US-5,844,260 A	12-1998	Ohori, Tatsuya	257/190
*	F	US-2002/0031853 A1	03-2002	Fujimoto, Hidetoshi	438/48
*	G	US-2002/0118720 A1	08-2002	Ebeling et al.	372/96
*	H	US-2003/0064538 A1	04-2003	Fujimoto, Hidetoshi	438/48
*	I	US-2003/0170927 A1	09-2003	Holonyak et al.	438/47
*	J	US-7,122,846 B2	10-2006	Kish et al.	257/96
*	K	US-7,208,770 B2	04-2007	Kish et al.	257/96
	L	US-			
	M	US-			

FOREIGN PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	Classification
	N					
	O					
	P					
	Q					
	R					
	S					
	T					

NON-PATENT DOCUMENTS

*		Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)
	U	
	V	
	W	
	X	

* A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)
 Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.